UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,854	08/14/2001	Charles H. Ferguson	4887-4006	9851

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EXAMINER
COURTENAY III, ST JOHN

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/929,854	FERGUSON ET AL.
	Examiner	Art Unit	
	St. John Courtenay III	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-198* is/are pending in the application.

  4a) Of the above claim(s) *1-7,9-46,48-67,70-99 and 108-198* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8,47,68,69 and 100-107* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

      application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

ST JOHN COURTENAY III
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Detailed Action

1. Applicant's election with traverse of Group II in the reply filed on April 18, 2005 is acknowledged. The traversal is on the ground(s) that that there is no undue burden to search the application as presented. This is not found persuasive because the 198 claims presented provide clear and convincing evidence that an undue serious burden is placed upon the examiner if the restriction is not required. Furthermore, inventions 1-18 require undue diverse searching across many class/subclasses. The requirement is still deemed proper and is therefore made FINAL.

Should this application eventually be allowed, all non elected claims must be cancelled by Applicant.

2.   Objection to the specification

The specification is objected to because page 1 does not include all of the serial and/or patent or patent application publication numbers for the listed copending applications.

Appropriate correction is required.

3.   35 U.S.C. 112, Second Paragraph

The following is a quotation of the second paragraph of **35 U.S.C. 112**:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under **35 U.S.C. 112**, second paragraph, as being indefinite for failing to particularly point out and

distinctly claim the subject matter which applicant regards
as the invention.

The language of claim 8 is indefinite:

It is unclear whether the objects of the "at least one" language
are:

(1) static data and (2) query configurations

OR

(1) static data and query configurations; and

(2) native script code ...

Appropriate correction is required.

4. The following is a quotation of the appropriate paragraphs of
35 U.S.C. 102 that form the basis for the rejections under this
section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a
foreign country or in public use or on sale in this country, more than one year prior
to the date of application for patent in the United States.

Note: The claim element "wireframe" has been considered by the
Examiner as a definition as set forth within the instant
specification:

[0058] The **wireframe** includes **static content** and **scripting code** that is generally not
modified during runtime within a productivity application residing on an user's system. The
static content also includes the **layout configuration** of the word processing document
viewed by a user, such as **fonts** and/or **colors**. The **script code** allows users or developers
to extend the built-in functionality of the productivity application or simply create **macros**
containing often-used packaged sequences of operations (for example, repeatedly creating

the same customized chart from a set of data). In the context of the wireframe, the script code may contain code to assist in supporting the present invention.

5.   Claims 8, 47, 68, 69, 100-107 are rejected under 35 U.S.C. § 102(b) as being anticipated by **Risberg et al.** (U.S. Patent 5,339,392).

As per independent claim 8:
Risberg teaches a word processing document [see "Active document" discussion, col. 2, beginning line 31] with network-based functionality that may be used with a network-enabled productivity application [see e.g., TIB communication interface software, discussion beginning col. 43, line 40; see also "the invention is ported to work with network communication programs", col. 4, discussion beginning line 47; cont'd col. 18, lines 45-68], comprising:

- a wireframe, including scripting code [see scripted actions using the "MarketScript" command language", col. 4, line 10] that remains static during a run time of a productivity application, the wireframe comprising at least one of:

    - static data and query configurations [see Layout operations, e.g., "MOVE AND RESIZE OPERATIONS" col.34, discussion beginning line 47, and see "FONTS, COLORS, AND BORDERS", col. 34, beginning line 62]; and,

    - native script code operative with the wireframe to provide network-based content within the word processing document [see MARKETSHEET software script and macro facility as discussed beginning col. 35, line 25 ("macro facility" line 37) as used in combination with the TIB software which provides a network

communication interface, see col. 43, discussion beginning line 40].

As per independent claim 47:
This claim is rejected for the same reasons detailed above in the rejection of independent claim 8, and also for the following additional reasons:

Risberg teaches a word processing document [see "Active document" discussion, col. 2, beginning line 31] with network-based functionality [see e.g., TIB communication interface software, discussion beginning col. 43, line 40; see also "the invention is ported to work with network communication programs", col. 4, discussion beginning line 47; cont'd col. 18, lines 45-68] that may be used with a productivity application, comprising:

- a wireframe including data and scripting code that remains static during a run time of a productivity application [see Layout operations, e.g., "MOVE AND RESIZE OPERATIONS" col.34, discussion beginning line 47, and see "FONTS, COLORS, AND BORDERS", col. 34, beginning line 62], the wireframe further comprising:
  - o at least one embedded network-enabling object [see e.g., "The Active Object 100 also has associated operations such as 'move yourself', 'change the data using the real time network data update or a database update', etc." and associated discussion col. 23, beginning line 34] to provide network-based functionality from within the word processing document, the at least one embedded network-enabling object in communication with native user interface, and code for allowing the at least one

network-enabling object to launch the network-based functionality from within the word processing document [see e.g., "the Active Objects all may dispatch rendering commands to the display rendering software interface to render their respective display objects." col. 25, discussion beginning line 41]; the word processing document further comprising:

- native script code for cooperation with the wireframe, to provide functionality to native functions of the word processing document [see MARKETSHEET software script and macro facility as discussed beginning col. 35, line 25 ("macro facility" line 37) as used in combination with the TIB software which provides a network communication interface, see col. 43, discussion beginning line 40].

As per independent claim 68:

This claim is rejected for the same reasons detailed above in the rejection of the preceding independent claims, and also for the following additional reasons:

Risberg teaches an network-enabled productivity application for allowing a user to create word processing document [see "Active Document" col. 8, discussion beginning line 50] having network-based functionality, comprising:

- native productivity application code for generating a word processing document [see description of the tools available for defining an "active document", col. 3, beginning line 32];

- a native script engine in communication with the native productivity application code, wherein the native script engine is capable of executing at least one macro [see

scripted actions using the "MarketScript" command language", col. 4, line 10; see also MARKETSHEET software script and macro facility as discussed beginning col. 35, line 25 ("macro facility" line 37) as used in combination with the TIB software which provides a network communication interface, see col. 43, discussion beginning line 40]; and

• network-functionality code for providing network-based functionality within the word processing document in conjunction with the at least one macro [see e.g., TIB communication interface software, discussion beginning col. 43, line 40; see also "the invention is ported to work with network communication programs", col. 4, discussion beginning line 47; cont'd col. 18, lines 45-68].

As per independent claim 69:
This claim is rejected for the same reasons detailed above in the rejection of the preceding independent claims, and also for the following additional reasons:

Risberg teaches a network-enabled productivity application for allowing a user to create a word processing document with network-based functionality, comprising:

• native productivity application code[see description of the tools available for defining an "action document", col. 3, beginning line 32];

• a native script engine in communication with the native productivity application code, wherein the native script engine enables execution of one or more macros [see scripted actions using the "MarketScript" command language", col. 4, line 10]; and

- an add-in package [see "MARKETSHEET" col. 26, line 53], comprising:

- an interface for communicating with the productivity application [see e.g., "Dialog Boxes" and associated discussion col. 27, line 50; see also col. 30, discussion beginning line 41];

- a library comprising a plurality of user tools, the user tools exposed to a user through a user interface , the user tools configured to provide network-based functionality within a word processing document [see "Toolbox" and associated discussion , discussion beginning col. 32, line 38];

- a library comprising a plurality of developer tools, the developer tools exposed to the user through the user interface, the developer tools configured to enable the creation of the word processing document with network-based functionality [see "MARKETSHEET" scripts, discussion beginning col. 35, line 25]; and,

- a productivity application extender in communication with the user tools, the productivity application extender configured to provide network-functionality services and application services within the productivity application [see "TIB suite of network communication programs", col. 4, discussion beginning line 47; cont'd col. 18, lines 45-68].

As per independent claim 100:
This claim is rejected for the same reasons detailed above in the rejection of the preceding independent claims, and also for the following additional reasons:

Risberg teaches a word processing document productivity application having network based functionality, comprising:

- native productivity application code for complementing non-network based functionality [see scripted actions using the "MarketScript" command language", col. 4, line 10];

- a native object model in communication with the native productivity application code [see "Active Document Object" col. 19, discussion beginning line 66];

- a native script engine in communication with the native productivity application code, wherein the native script engine provides functionality to native scripts [see SCRIPTS, col. 35, line 25];

- code for providing network-based functionality from within the word processing document productivity application [see "TIB suite of network communication programs", col. 4, discussion beginning line 47];

- code for providing non-network functionality from within the word processing document productivity application [e.g., see "EDIT MENU" and associated discussion, beginning col. 37, line 36]; and

- user interface code allowing a user to activate the network-based functionality and the non-network functionality [see MARKETSHEET software that "allows traders, brokers, and others to customized the presentation and monitoring of market information", col. 26, lines 53; see "TIB suite of network communication programs", col. 4, discussion beginning line 47; cont'd col. 18, lines 45-68].

As per independent claim 101:
Risberg teaches the network-based functionality is exposed to the user by the user interface code [see MARKETSHEET software that "allows traders, brokers, and others to customized the presentation and monitoring of market information", col. 26, lines 53; see "TIB suite of network communication programs", col. 4, discussion beginning line 47; cont'd col. 18, lines 45-68].

As per independent claim 102:
Risberg teaches the non-network functionality is exposed to the user by the user interface code [e.g., see "EDIT MENU" and associated discussion, beginning col. 37, line 36].

As per independent claim 103:
Risberg teaches the code for providing network-based functionality comprises a library of user tools for use by a user to implement the network based functionality [see TIB software and networking discussion col. 68, beginning line 8].

As per independent claim 104:
Risberg teaches the user tools are exposed to the user through the user interface [see "Toolbox" as a vertically arranged set of icons, col. 32, line 39].

As per independent claim 105:
Risberg teaches the code for providing the network-based functionality comprises a library of developer tools including tools for creating a word processing document with network-based functionality [see MARKETSHEET software discussion, col. 26, lines 52, con't col. 27].

As per independent claim 106:
Risberg teaches the developer tools are exposed to the user by the user interface code, the developer tools providing the ability to embed code for the network-based functionality within the word processing document by making a selection of a task [see where MARKETSHEET software receives data feeds over network, col. 27, beginning line 1].

As per independent claim 107:
Risberg teaches the code for providing network-based functionality comprises a library of network-connectivity tools [see TIB software and networking discussion col. 68, beginning line 8].

6.   Claims 8 and 47 are rejected under 35 U.S.C. § 102(b) as being anticipated by **Gibson** (U.S. Patent 5,761,684).

As per independent claim 8:
Gibson teaches a word processing document [see "OpenDoc Compound Document" discussion, col. 9, beginning line 10; see also discussion col. 10, beginning line 26] with network-based functionality that may be used with a network-enabled productivity application [see "transporting compound documents across platforms", col. 9, line 67], comprising:

- a wireframe [see "Opendoc", OLE, and the "document framework in Taligent" col. 7, lines 4-5], including scripting code [see "compound document script", col. 6, discussion beginning line 2"] that remains static during a run time of a productivity application, the wireframe comprising at least one of:

- o static data and query configurations [see "class types or objects" that may now be completely incorporated into the document" col. 7, discussion beginning line 12]; and,

- o native script code operative with the wireframe to provide network-based content within the word processing document [see "compound document script scheduling part" and associated discussion col. 6, beginning line 2].

As per independent claim 47:
This claim is rejected for the same reasons detailed above in the rejection of independent claim 8 under **Gibson**, and also for the following additional reasons:

Gibson teaches a word processing document with network-based functionality that may be used with a productivity application, comprising:

- a wireframe [see "Opendoc", OLE, and the "document framework in Taligent" col. 7, lines 4-5]including data and scripting code [see "compound document script", col. 6, discussion beginning line 2"] that remains static during a run time of a productivity application, the wireframe further comprising:
  - o at least one embedded network-enabling object to provide network-based functionality from within the word processing document, the at least one embedded network-enabling object in communication with native user interface, and code for allowing the at least one network-enabling object to launch the network-based functionality from within the word processing document

[see "class types or objects" that may now be completely incorporated into the document" col. 7, discussion beginning line 12]; the word processing document further comprising:

- native script code for cooperation with the wireframe, to provide functionality to native functions of the word processing document [see "compound document script scheduling part" and associated discussion col. 6, beginning line 2].

Prior Art not relied upon:

Please refer to the references listed on the attached PTO-892 which are not relied upon in the claim rejections detailed above.

How to Contact the Examiner:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to St. John Courtenay III, whose telephone number is 571-272-3761. A voice mail service is also available at this number. The Examiner can normally be reached on Monday - Friday, 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-AI who can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

All responses sent by U.S. Mail should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**PTO CENTRAL FAX NUMBER:
703-872-9306**

- Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: (571) 272-2100.**

ST. JOHN COURTENAY III
PRIMARY EXAMINER